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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/088,018

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Christophe Nicolas

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DLA PIPER LLP (US)

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EXAMINER

HUSSAIN, FARRUKH

ART UNIT

PAPER NUMBER

2444

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/088,018

Applicant(s)

NICOLAS ET AL.

Examiner

FARRUKH HUSSAIN

Art Unit

2444

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-10, 12-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-10, 12-16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in regards to the response received on 11/21/2008. Claims 1, 3, 10, 12, 16, and 18 have been amended. Claims, 2, 11, 17, 19 and 20 have been cancelled

2. Examiner Joseph Maniwang is no longer assigned to the present patent application. This application is now assigned to Examiner Farrukh Hussain. In examining this patent application, full faith and credit has been given to the search and action of the previous examiner. MPEP § 719.05.

Response to Arguments

3. Applicant's arguments filed 11/21/2008 have been fully considered but they are not persuasive.

Point A. With regards to the Rejection under 35 USC § 102 (b), the applicants argue that Claim 1 recites the step of "creating a conditional block for each management message member of said chain, the conditional block indicating at least one of the following conditions: the management message member associated with the conditional block is to be processed without reference to all or part of other message members of the chain; the management message member associated with the conditional block is to be processed with reference to at least one of other message members of the chain." Claim 1 further requires that a subscriber database that receives a management message member perform the steps of "if the received message is subject to a condition, determining from said table whether the condition has been fulfilled"

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and "if the condition has not been fulfilled, locally storing said message and later processing the message when the condition is fulfilled." These steps are neither taught nor suggested by Deiss.

As to Point A, the Examiner respectfully disagrees. Deiss does disclose or suggest "creating a conditional block for each management message member of said chain (see column 5, lines 11-63 Each of the groups is coded with a conditional access code (creating a conditional block) and each conditional access code may be coded differently), the conditional block indicating at least one of the following conditions: the management message member associated with the conditional block is to be processed without reference to all or part of other message members of the chain (see column 5, lines 11-63 FIG. 4 illustrates exemplary apparatus for detecting packets (process) which include conditional access information); Deiss further disclose or suggest a subscriber database that receives a management message member perform the steps of "if the received message is subject to a condition, determining from said table whether the condition has been fulfilled" (see column 5, lines 1-31 If a match is detected (the condition has been fulfilled) the decoder communicates with the memory controller 17 and the smart card 31 to make the remainder of the entitlement payload available to the smart card (via the memory 18)) and "if the condition has not been fulfilled, locally storing said message and later processing the message when the condition is fulfilled." (see column 5, lines 1-31 If a match is not detected (condition has not been fulfilled), the payload is not accepted by the specific receiver. The conditional access codes may be periodically changed

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if the matched filter 30 is made programmable and see column 4, lines 25-32 the program SCID's have been stored in the programmable registers 13). Deiss fails to disclose the management message member associated with the conditional block is to be processed with reference to at least one of other message members of the chain. However, Khan discloses and suggests the management message member associated with the conditional block is to be processed with reference to at least one of other message members of the chain (see column 4, lines 7-23 The header field specifies conditions such as whether the data message is new data and see column 5, lines 48-62 In this case, a block size contains a fixed number of bytes B.)

Point B. With regards to the Rejection under 35 USC § 102 (b), the applicants argue that there is no storage of message members in Deiss for later processing upon fulfillment of a condition, Deiss also does not disclose or suggest the step of "managing a table in the subscriber database, containing an information representing a processing state of each member of the chain" as required by claim 1.

As to Point B, the Examiner respectfully disagrees. Deiss does disclose or suggest storage of message members in Deiss for later processing upon fulfillment of a condition (see column 4, lines 25-32 the program SCID's have been stored in the programmable registers 13), Deiss also does disclose or suggest the step of "managing a table in the subscriber database, containing an information representing a processing state of each member of the chain" as required by claim 1 (see column 8, lines 11-20 if a conditional access code is not

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detected within the first 16 bytes of the payload (managing a table), the remainder of the payload is not written to memory.).

Point C. With regards to the Rejection under 35 USC § 102 (b), the applicants argue that claim 16 recites "wherein said condition block determines a permissible order of processing of each management message member forming a chain of management member messages." This step is neither taught nor suggested by Deiss.

As to Point C, the Examiner respectfully disagrees. Deiss does disclose or suggest "wherein said condition block determines a permissible order of processing of each management message member forming a chain of management member messages." (see column 12, lines 31-35 by sequential one byte service in an arbitrary order of those program processors requesting data.).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-10, 12-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deiss (US 5,802,063), in View of Khan et al. (Khan) (US 6,654,422 B1).

5. Regarding claim 1, Deiss disclosed a method and system of processing a chain of database management messages exchange between a management center and a plurality of distributed subscriber databases, wherein each management message member of this chain comprises a chain header and a chain identifier (see column 2, line 55 through column 3, line 6 Within every payload is a header which contains a continuity count, CC, modulo 16, and a TOGGLE flag bit which are program component specific.), comprising creating a conditional block for each management message member of said chain, said conditional block indicating at least one of the following conditions : the management message member associated with the conditional block is to be processed without reference to all or part of other message members of the chain, (see column 5, lines 11-63 FIG. 4 illustrates exemplary apparatus for detecting packets (process) which include conditional access information); adding said conditional block to each of said respective management message members of said chain (column 5, lines 44-46 FIG. 4 illustrates exemplary apparatus for detecting packets (process) which include conditional access information); and transmitting the chain of database management message between a management center and a plurality of distributed subscriber databases (see column 1, lines 57-61); reading at a subscriber database, the conditional block of the received management message of said chain(column 11, lines 34-40 Memory read/write control is performed by the service pointer controller and direct memory access); determining at a subscriber database whether processing of a received message is subject to a condition in the

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corresponding conditional block (column 7, line 30 through column 8, line 10 FIG.

5 is a flow chart of the operation of the conditional access filter 30. The process

is started by the detection of the associated SCID.); managing a table in the subscriber database, containing an information representing a processing state of each member of the chain (see column 8, lines 11-20 and see column 8, lines 11-20 if a conditional access code is not detected within the first 16 bytes of the payload (managing a table), the remainder of the payload is not written to memory.),

determining from said table which are the message members of said chain that have been processed (see column 5, lines 11-63); if the processing of the received message is not subject to a condition, immediately processing said message (column 7, lines 4-8); if the received message is subject to a condition, determining from said table whether the condition has been fulfilled (column 5, lines 1-31); if the condition has been fulfilled, immediately processing said message (column 5, lines 1-31); if the condition has not fulfilled, locally storing said message (column 5, lines 32-43). and later processing the message when the condition is fulfilled (column 5, lines 1-31);

updating said table when a message member of said chain is successfully processed (column 1, lines 40-45). Deiss fails to explicitly teach the management message member associated with the conditional block is to be processed with reference to at least one of other message members of the chain; at least one management member of the chain containing a conditional block indicating a condition wherein said management message member is to be processed with

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reference to at least one of other message members of the chain; However, Khan teaches or suggests the management message member associated with the conditional block is to be processed with reference to at least one of other message members of the chain; at least one management member of the chain containing a conditional block indicating a condition wherein said management message member is to be processed with reference to at least one of other message members of the chain(see column 4, lines 7-23 The header field specifies conditions such as whether the data message is new data and see column 5, lines 48-62 In this case, a block size contains a fixed number of bytes B.). Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Khan to utilize the processed with reference feature within a chain of database management messages exchange taught by Deiss. The motivation for this would have been to use the concept of variable size sequence numbers where transmissions are made with set block sizes (see column 4, lines 7-23 The header field specifies conditions such as whether the data message is new data and see column 5, lines 48-62 In this case, a block size contains a fixed number of bytes B.)

6. Regarding claim 3, Deiss disclosed the method and system further comprising the steps of resetting said table either on request of the managing center or after a predefined time (see column 8, lines 11-20).

7. Regarding claim 4, Deiss disclosed the method and system wherein the subscriber database is connected to a subscriber unit and wherein it

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comprises the step of memorizing the management messages in a memory of the subscriber unit and of presenting them on request to the subscriber database (see column 3, line 66 through column 4, line 67).

8. Regarding claim 5, Deiss disclosed the method and system further comprising the steps of memorizing incoming messages in series, each incoming message causing an increment of a stack pointer of incoming messages, and of allowing a direct access to the messages requested by the subscriber database (see column 4, lines 11-25; column 8, lines 11-20; column 9, lines 56-63).

9. Regarding claim 6, Deiss disclosed the method and system wherein the memory of the subscriber unit is configured as a serial buffer memory having a fixed length (see column 4, lines 12-25; column 8, lines 11-20).

10. Regarding claim 7, Deiss disclosed the method and system further comprising the steps of receiving in the subscriber database, a message member of a chain, and of allocating in the subscriber unit, the memory necessary for receiving all the members of this chain (see column 4, lines 11-25; column 8, lines 11-20; column 9, lines 56-63).

11. Regarding claim 8, Deiss disclosed the method and system further comprising the steps of requesting the subscriber module to compose a management message describing its software and hardware resources and of sending said message either to the subscriber database or to the management center (see column 4, lines 42-67).

12. Regarding claim 9, Deiss disclosed the method and system wherein the request is transmitted, either by the management center under the form of a

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management message, or by the subscriber database under the form of an instruction on an I/O line (see column 4, lines 42-67).

13. Independent claims 10, 16, and 18 as well as their dependent claims recite substantially the invention of claims 1 and 3-9. Accordingly, these claims are rejected under the same rationale detailed above.

14. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly, define the claimed invention.

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15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARRUKH HUSSAIN whose telephone number is (571)270-5652. The examiner can normally be reached on Monday-Thursday, Alt. Friday, 7:30 A.M-5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Farrukh Hussain/
Examiner, Art Unit 2444
05/19/2009

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2444